

## **REMARKS**

Claims 1-8, 11-13, 15-27, and 30-31, as amended, and new claims 32-34 are pending in this application. In this response, Applicants have amended claims 1 and 30 to further clarify the embodiments featured therein. In addition, claims 2, 14, 20, 29, and 31 have been canceled. Moreover, claims 32-33 have been added to recite additional embodiments of the invention that are fully supported by the Written Description. *See, e.g.*, Pages 6-7.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

## **THE REJECTIONS UNDER 35 U.S.C. § 112**

The Examiner rejected claims 1-8, 11-27, and 29-31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement for the reasons set forth on pages 2-3 of the Office Action. In light of the amendments, Applicants submit that the Examiner’s rejection is moot. Reconsideration and withdrawal of the rejection is respectfully requested.

## **THE REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-8, 13, 15-16, 18-19, and 23-27 were rejected under 35 U.S.C. § 103(a) as being obvious over a collection of archived webpages:

<http://web.archive.org/web/20011020005809/www.callawaygolfpreowned.com/trade-rules.html>;  
<http://web.archive.org/web/20020601221544/www.callawaygolfpreowned.com/guarantee.html>;  
<http://web.archive.org/web/20021203111831/www.callawaygolfpreowned.com/e016871c.html>; and  
<http://web.archive.org/web/20020601224341/www.callawaygolfpreowned.com/condition.html>

(collectively “Callaway”) in view of U.S. Publication No. 2003/0050891 to Cohen (“Cohen”). In addition, claims 11-12, 14, and 17 were also rejected under § 103(a) as being obvious over Callaway in view of Cohen, and further in view of U.S. Publication No. 2004/0054888 to Chester

(“Chester”). The Examiner also rejected claims 20-21 under § 103(a) as being obvious over Callaway in view of Cohen, and further in view of an archived webpage from Greenwichgolf.com that has a URL of <http://web.archive.org/web/20020605164840/greenwichgolf.com/ser02.htm> (“Greenwichgolf.com”). Furthermore, claim 22 was rejected under § 103(a) as being obvious over Callaway in view of Cohen, and further in view of an article by Harreld entitled “Scrutinizing the numbers” InfoWorld, San Mateo: Aug. 19, 2002, Vol. 24, Iss. 33, pg. 35 (“Harreld”). Claims 29 and 31 were also rejected under § 103(a) as being obvious over Callaway in view of U.S. Publication No. 2002/0077956 to Solheim (“Solheim”). Finally, claim 30 was rejected under § 103(a) as being obvious over the combination of Callaway, Cohen, and Solheim, further in view of U.S. Publication No. 2003/0171927 to Bernard (“Bernard”).

As a threshold matter, Callaway, Cohen, Chester, Greenwichgolf.com, Harreld, and Solheim have been discussed in previous responses filed by Applicants. Thus, for the sake of brevity, Applicants incorporate by reference the preceding discussions regarding these references rather than repeat the arguments in detail. Briefly, Callaway discloses a way to trade used golf clubs using a website. Similar to car dealers, Callaway describes a “Certified Preowned” titled that is given to golf clubs after they pass a “meticulous inspection.” Callaway only discloses the condition, *i.e.*, very good, good, and fair, and the standard features of a pre-owned golf club, *i.e.*, gender, club, loft, lie, lie angle, hand, flex, shaft material, length, shaft type, headcover, and price. Office Action at Page 14.

Callaway does not disclose the functional steps of assigning a first result of authentic or fake, a second result of original or altered, or a third result of alteration condition, as now recited in claim 1. And, because Callaway is intended to only certify unaltered Callaway products and because altered products may be returned to the customer (*see* Callaway “Trading Directions”), one of ordinary skill in the art would not have arrived at the presently recited invention through any modification of Callaway. Callaway also lacks any suggestion of the status of examination as now recited in claim 1 or, in particular, the indication of commencement of examination, as now recited in claim 30.

With regard to the secondary references, Applicants respectfully submit that a skilled artisan would not have combined the references in the manner suggested by the Examiner at least because of the non-analogous subject area. For example, Cohen generally relates to a check tracking system that can be used to track changes in possession or ownership of a good according to an assigned,

unique tracking number. Solheim discloses authentication services for online auctions and Bernard generally discloses certifying traits listed on a resume of a job applicant. In fact, only one of the secondary references, *i.e.*, Greenwichgolf.com, is even directed to golf equipment. However, even assuming for the sake of argument that a skilled artisan would have combined Callaway with the secondary references in the manner suggested by the Examiner, the secondary references completely fail to cure the deficiencies of Callaway with respect to the presently recited invention. For example, like Callaway, Cohen also does not disclose assigning a first result, a second result or a third result as functional steps in authenticating a good. In addition, Cohen fails to teach or suggest providing a link that is accessible via a webpage to status of examination, as now recited in claim 1.

Based on the limited nature with which the Examiner uses the secondary references, it is clear that Cohen, Solheim, and Bernard are also silent as to a process that provides a link, provided from the second entity to first entity, that is accessible via a webpage to indicate the commencement of an examination, as now recited in claim 30. Similarly, the Examiner appears to recognize Harreld's limitations with regard to curing any deficiencies of the cited combinations in that it is merely cited for the discussion of color-coded reports. Office Action at Page 10.

Based on the collective deficiencies of the cited references, Applicants respectfully submit that there is no "apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l Co. v. TeleFlex Inc.*, 127 S.Ct. 1727, 1741 (2007). The Federal Circuit has warned that "we must still be careful not to allow hindsight reconstruction of references to reach the claimed invention without any explanation as to how or why the references would be combined to produce the claimed invention." *Innogenetics, N.V. v. Abbott Labs.*, 512 F.3d 1363, 1374 n.3 (Fed. Cir. 2008). While the Examiner has provided great detail in an attempt to rationalize the cited combinations, logical explanations of the "how" and "why" remain missing. And, even if properly combined in the manner suggested by the Examiner, the end result of the proffered combinations would not have been the claimed invention.

For at least these reasons, Applicants respectfully submit that Callaway alone, or in any combination with the secondary references, does not support a *prima facie* case of obviousness

against the pending claims. Accordingly, reconsideration and allowance of the pending claims is respectfully requested.

**CONCLUSION**

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any other fees be due, please charge them to Deposit Account No. 50-4545, Order No. 5221-043-US01.

Respectfully submitted,  
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